

Analysis of Submissions:

Consultation on Guidelines for the Issue of Animal Welfare Export Certificates

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Executive Summary

On 16 December 2008, the Ministry of Agriculture and Forestry (MAF) released a discussion paper entitled *Consultation on proposed guidelines for the issue of Animal Welfare Export Certificates*. The discussion paper invited submissions on guidelines, proposed by the Director-General of MAF, for the issue of animal welfare export certificates (AWECs).

The Animal Welfare Act 1999 requires that any person planning to export live animals from New Zealand by ship or aircraft must apply to the Director-General for the issue of an AWEC, unless an exemption applies. When considering whether to issue an AWEC, the Director-General must be satisfied that the applicant will take all necessary steps to protect the welfare of animals being exported.

The proposed guidelines provide exporters of livestock (being sheep, cattle, goats or deer) with:

- clear expectations about what information the Director-General requires when deciding whether or not to issue an AWEC, and
- specific detail on the matters the Director-General must have regard to, under the Animal Welfare Act, when considering any application for an AWEC.

The guidelines are divided into two parts. All applicants must complete Part A of the guidelines. The Director-General may request additional information from an applicant, in order to be satisfied that all necessary steps will be taken to protect the animals' welfare. This additional information is covered in Part B of the guidelines. Sea voyages greater than 21 days or air freight requiring one or more stopovers will usually prompt a request for further information. In some cases, the Director-General may seek information that is not identified in Part B of these guidelines.

The guidelines were developed with reference to the World Organisation for Animal Health (OIE) *Terrestrial Animal Health Code* recommendations for the welfare of animals during sea and air transport. The guidelines will apply to international sea or air voyages of any length.

MAF received twenty three submissions on the proposed guidelines over an eleven week consultation period. This document provides a summary of the issues raised in these submissions.

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Introduction

Under the Animal Welfare Act 1999, any person planning to export livestock must apply to the Director-General of the Ministry of Agriculture and Forestry (MAF) for the issue of an Animal Welfare Export Certificate (AWEC). Applicants must satisfy the Director-General that they will adequately manage the welfare of the animals during export. To ensure that this occurs, the Director-General can impose conditions on the proposed journey.

The Director-General is developing guidelines for the issue of AWECs. These guidelines outline what information the Director-General *may* require when considering whether to grant an animal welfare export certificate. The Director-General assesses each formal application on its merits, on a case by case basis, taking into account the relevant sections of the Animal Welfare Act.

The guidelines introduce a new process that exporters must follow when applying for an AWEC. In the past, exporters automatically received an 'in principle' AWEC when they notified MAF of their intention to export. A New Zealand Food Safety Authority Verification Agency Port Veterinarian would inspect the animals, and facilities on the ship or airplane, before departure. If the veterinarian was satisfied that the exporter had complied with the relevant MAF Sea Standard, or International Air Transport Association regulation, an AWEC would be granted.

The new process requires all applicants to complete Part A of the guidelines. The Director-General may request additional information from an applicant, in order to be satisfied that all necessary steps will be taken to protect the animals' welfare. This additional information is covered in Part B of the guidelines. In some cases, the Director-General may seek information that is not identified in Part B of the guidelines.

Exporters are strongly advised to contact MAF to discuss their proposed application early in the planning process and before making large contractual commitments. MAF anticipates that this approach, together with the guidelines, will reduce commercial risk and uncertainty for exporters.

Issues Raised in Submissions

On 16 December 2008, MAF released a discussion paper entitled *Consultation on proposed guidelines for the issue of Animal Welfare Export Certificates*. This document summarises the issues raised in the submissions that were received.

MAF received twenty three submissions on the proposed guidelines, over an eleven week consultation period. Submitters addressed a range of issues. Some issues related specifically to the guidelines, while others related to broader issues.

The comments which related to the guidelines fall into the following categories:

- 1 General comments on the guidelines
- 2 Specific comments on:
 - a. the capability, skills, and experience of the applicant
 - b. the species, number, ages, pregnancy and fitness status of animals
 - c. the type of transport proposed and the facilities provided
 - d. the length and nature of the proposed journey
 - e. the susceptibility of the animals to harm and distress on the proposed journey
- 3 MAF's regulatory role
- 4 Governance issues
- 5 Implications of the guidelines for the trade
- 6 Experience of live animal exporters
- 7 New Zealand's international reputation

Some submitters made comments or raised issues that are outside the scope of this consultation. These comments are noted in Section 6 (Other issues) on page 21.

MAF has revised the proposed guidelines in response to the submissions received and with reference to relevant published scientific literature and internationally recognised standards. The revised guidelines are attached as Appendix One.

Submitters

	Submitter	Key issues raised
1	WSPA, RNZSPCA, SAFE	1, 2, 7, Detrimental Effects.
2	Professor David Mellor,	2, Position on the Trade.
3	Kapiti Animal Welfare Society	1, 2, 7 Detrimental Effects.
4	Elders International Ltd	1, 3, 5, 6, 7, General Comments, Position on Trade.
5	Dr Peter O'Hara	1, 2, Position on the Trade.
6	Department of Internal Affairs	1.
7	Kevin O'Grady	2.
8	Pacific Rim International Ltd	1, 2, 3, 4, 5, 6, 7, General Comments, Position on the Trade.
9	Clare Barrett	1, 2, 3, 7, Position on the Trade, Detrimental Effects.
10	Xcell Cattle Exporters Ltd	2, 3, 4, 5, 6, 7, Position on the Trade.
11	Source World Ltd	1, 2, 4, Position on the Trade.
12	Fonterra Co-operative Group	1, 2, 7.
13	PGG Wrightson Ltd	1, 2, 4, 5, 6, General Comments, Position on the Trade.
14	AEL Bloodstock Ltd	1, 3, 4, 5, 6, General Comments, Position on the Trade, Detrimental Effects.
15	Challenge Livestock NZ Ltd	1, 2, 4, 5, General Comments, Position on the Trade.
16	Austrex NZ Ltd	1, 2, 3, 4, 6, General Comments, Position on the Trade.
17	Federated Farmers of New Zealand	1, 2, 7.
18	World Veterinary Consultants Ltd	1, 2, 3, 4, 5, 6, 7, Detrimental Effects.
19	The Livestock and Animal Germplasm Trade Association	2, General Comments, Position on the Trade.
20	Brown Rigg Agriculture Ltd	1, 2, 3, 4, 5, 6, Position on the Trade.
21	Bridget Thompson	1, 2, 4, 5, 7, General Comments.
22	New Zealand Veterinary Association	1, 2, Position on the Trade.
23	New Zealand Food Safety Authority	1, 2, 4, 7, General Comments.

Analysis

General issues – submitter comments

Three submitters wrote that the proposed guidelines appear to be sufficiently comprehensive to cover all significant contingencies, while allowing the Director-General an appropriate degree of flexibility when he or she considers AWEC applications.

A number of submitters were less supportive of the proposed guidelines. Comments included that the proposed guidelines:

- should only apply to export for breeding, and not export for slaughter;
- should apply to a wider range of animals, such as poultry and pigs;
- could result in variable standards because individuals may interpret the requirements differently, particularly if the applicant has little previous export experience;
- are based on inaccurate information and poor science with many points having no technical or scientific basis; and
- contain arbitrary and subjective thresholds and requirements.

Many submitters did not like the repeated use of ‘may’ and ‘should’ in the guidelines, rather than definitive language such as ‘will’. These submitters considered that discretionary language would not provide applicants with enough certainty about MAF’s decision-making process. One submitter suggested that instead of the MAF Director-General requiring certain information, the obligation should be on the applicant to provide such information as they deem relevant under each of the sections.

A submitter noted that negative outcomes as measured by mortality, morbidity and stress were more the result of poor management of animals by both inexperienced exporters and vessel owners. The submitter considered that mortality is not a reliable measure of welfare, but is significant in terms of public perception.

Other general comments and questions from submitters included:

- The voyage length to Russia is considerably shorter than the figures quoted in the proposed guidelines.
- The guidelines should have a category covering the destination nation’s animal welfare law and standards, including a requirement that the importing country fulfil the minimum animal welfare conditions as outlined in the OIE’s *Terrestrial Animal Health Code*.
- MAF should consider the exporter’s performance history and the technical merit of the application proposal.
- The relevant MAF standards, international codes, and regulations should be included as appendices to the guidelines.
- Must exporters demonstrate compliance with conditions imposed by the Director-General *during* and *after* export?
- Will live animals being transited through New Zealand be covered by the guidelines or another process?
- Will the guidelines cover the transport of animals between mainland New Zealand and the Chatham Islands?

General issues – MAF response

The proposed guidelines apply to all exports of live sheep, cattle, deer and goats. Where exports of these live animals are for slaughter, applicants must obtain an exemption by the Director-General of MAF under the Customs Export Prohibition (Livestock for Slaughter) Order 2007. No exemptions have been granted since this export prohibition order came into force.

The main purpose of the guidelines is to outline what information the Director-General *may* require when considering whether an AWEC should be issued under the Act. Each application will always be considered on its own merits. This explains why permissive language is used in the guidelines.

MAF agrees that the proposed guidelines did not provide enough clarity about the information required in an AWEC application. Consequently, the guidelines have been revised so that AWEC applications must be accompanied by information correlating to the questions listed in Part A of the revised guidelines. MAF may request additional information from the applicant based on Part B guidelines.

An “In-Principle” AWEC is a document issued by the Director-General. It allows an applicant to start preparing for the live animal export, provided that he or she complies with any conditions imposed by the Director-General.

MAF assesses compliance with the conditions imposed by the Director-General on an “In-Principle” AWEC in three ways:

1. A New Zealand Food Safety Authority Verification Agency (NZFSA) Port Veterinarian will assess compliance with any conditions prior to loading. The NZFSA VA Port Veterinarian will not sign the final AWEC unless he or she is satisfied that the applicant complied with any conditions stated in the “In-Principle” AWEC.
2. Where the Director-General has imposed a condition that the animal(s) are accompanied by a certain person during the journey, that person may assess compliance with the conditions set out in the AWEC during the journey.
3. Exporters must send a voyage report to the MAF Animal Welfare Directorate within 10 working days of the completion of the journey. This is required under MAF sea standards. Based on the voyage report, MAF will assess whether the relevant conditions and MAF standards were complied with. If any concerns are raised, MAF may investigate. Any breaches of the Animal Welfare Act may result in a prosecution. MAF will also consider any future AWEC applications in light of the applicant’s previous performance history.

When considering an AWEC application, the Director-General may consider the requirements of the country into which the animal is being exported – up to the point of disembarkation. Once the animals are unloaded, the animals become the responsibility of the animal’s purchasers and authorities at the destination. Where animals are imported for breeding, purchasers will have commercial incentives to ensure the animals are well cared

for. However, commercial incentives to cut costs may at times override commercial incentives to care for the animals. MAF is considering whether it has any regulatory or non-regulatory options to encourage importers to care for the animals' welfare after disembarkation.

The World Organisation for Animal Health's (OIE's) *Terrestrial Animal Health Code* makes recommendations for the welfare of animals during sea and air transport. OIE member countries, including New Zealand, are expected to observe this code when developing their own transport guidelines or standards. New Zealand's AWEC guidelines were developed with specific reference to the OIE's recommendations.

Transport to and from the Chatham Islands is governed by the Animal Welfare Act and the relevant NAWAC codes.

MAF agrees that export proposals should be assessed on the basis of the applicant's performance history and technical merit. Part A and B of the revised AWEC guidelines have been redrafted to make MAF's decision-making process more transparent.

Section one: capability, skills, and experience of the applicant in relations to live animal exports – submitter comments

Thirteen submitters commented on section one of the guidelines: *Capability, skills, and experience of the applicant in relation to live animal exports*.

Comments on mortality rates included:

- The mortality rates set out in clause 1 (a) (i) of the guidelines would not be acceptable for humans.
- Mortality rates are a blunt instrument to assess animal welfare, as animals suffer in many ways that do not result in death and those that do die are at the extreme end of a scale of suffering.
- Live export industry mortalities over the past 15 years have been far fewer, as a percentage, than occurs on any dairy farm in any one year.
- The average mortality rate of 164,000 cattle shipped from New Zealand by a major shipper over five years is only 0.14%.
- Absolute figures like 'one percent mortality' are unrealistic across all species, and also unrealistic within a species depending on the time of year and class of animal being exported.

Other comments and questions included:

- Must the records of satisfactory exports be of those originating from New Zealand?
- Does the entity applying for an AWEC need to be a New Zealand entity?
- What evidence does MAF need to be satisfied that the requirements under this guideline are met?
- Inexperienced applicants should have the skills to plan and manage an export shipment of live animals, rather than merely seeking expert advice.
- There should be a requirement for at least one veterinarian to be on board.
- Would more than one veterinarian ever be required? What is meant by 'qualified veterinarian'?

Section one: capability, skills, and experience of the applicant in relations to live animal exports – MAF response

Mortality rates are a measurable indicator of animal welfare outcomes on a voyage. Exporters are required to record mortality rates, along with other animal health and injury issues, in their voyage report. This information gives MAF a better understanding of the spectrum of animal welfare issues that may have occurred during a voyage. MAF may investigate any aspect of a voyage report.

All applicants must complete Part A of the revised guidelines. Part A requires the applicant to describe his or her skills and experience in relation to live animal exports. It also requires the applicant to describe the number, qualifications, and experience of the stockmen and veterinarians proposed for the journey. When assessing the application, MAF may consider that an applicant's lack of expertise could compromise the welfare of the animals during the proposed journey. In this case, MAF will request further details outlined in Part B of the guidelines. These details include whether the applicant will use third party expertise for the planning and completion of the shipment. After the voyage is completed, MAF will assess the voyage report to ensure the relevant standards have been met. MAF may also request further information relating to the health, injury or cause of mortalities of animals on the voyage.

Applicants must supply a satisfactory quality and quantity of information in response to Parts A and B of the guidelines. MAF may chose to independently verify some, or all, of the information provided.

The Director-General may require a veterinarian(s) to accompany the animals on a voyage. This depends on a number of factors, including:

- the number/type of animals;
- the length and expected climatic conditions of the voyage;
- the pre-voyage condition of the animals;
- the number and experience of the stockmen;
- whether the stockmen have access to a veterinarian (e.g. through ships communications); and
- whether the ship's layout and facilities enable the regular monitoring of animals during the voyage.

A 'qualified veterinarian' must hold a current practising certificate in accordance with the Veterinarians Act 2005, or have equivalent qualifications from a veterinary school recognised by the New Zealand Veterinary Council. He or she should also have clinical experience with the species being transported.

Section two: the species, number, ages, pregnancy and fitness status of animals – submitter comments

Submitter comments on stocking density

Four submitters made comments relating to stocking density (clause 2 (a) of the guidelines), including that:

- MAF should only require stocking density to be reduced if there is an objective scientific basis for doing so;
- improved management and nutrition are more effective at enhancing animal welfare than reduced stocking density;
- MAF should not impose minimum stocking density requirements in addition to those in the MAF sea transport standard or IATA Live Animal Regulation. Exporters have estimated and agreed contracts based on these standards.

MAF response

MAF has revised the guidelines so that the applicant must now record the area, in square metres, that will be allocated per animal. When planning an export, applicants must note the stocking density specifications in the relevant MAF sea standards and the IATA Live Animal Regulations. If there are any concerns about a proposed stocking density, the Director-General retains the discretion to impose all or any of the conditions in section 45 of the Animal Welfare Act (see Appendix two for relevant sections of the Act).

Submitter comments on age and pregnancy status

Six submitters made comments relating to the age and pregnancy status of animals (clause 2 (b) of the guidelines). These comments included:

- Pregnant animals can be transported for voyages over 14 days in length. If heifers in early stages of pregnancy are properly managed and prepared, their welfare will not be compromised on longer journeys.
- There is no scientific basis to restrict the export of pregnant livestock during their first or early second trimesters. Cattle and sheep in their third trimesters, however, have markedly increased physiological demands.
- The stage of pregnancy permitted for long distance transport is already covered in other regulations.
- If the export of pregnant animals is not permitted, the trade in live animals for breeding purposes will be compromised. Importers purchase pregnant cattle to reduce the period between delivery and in-milk production.
- Pregnant livestock should not be exported across the equator because of their:
 - extra water and feed requirements;
 - additional weight;
 - higher susceptibility to heat stress;
 - higher chance of abortion (due to placentitis caused by leg injuries, which can lead to fatal septicaemia, or stress); and
 - high incidence of heat-induced lactation, even in mid-pregnancy.

One submitter commented that sheep less than nine months old should not be exported as they face a high risk of pneumonia on the voyage.

MAF response

As a result of the submissions, MAF has removed what was formerly section 2 (b) from the guidelines. Instead, section 2 in Part A of the revised guidelines now asks AWEC applicants to describe the ages and pregnancy status of animals that would be transported. As a basic starting point, exporters should prepare animals to comply with the relevant specifications in the MAF sea standards and the IATA Live Animal Regulations.

Submitter comments on source of animals, criteria for selection, and Body Condition Score

Ten submitters commented on the criteria for selecting animals for export. These comments included:

- The guidelines should request information on the animals' body condition and fitness status, and the measures that will be taken to prevent disease on the voyage.
- The guidelines should specify the minimum requirements for body weight and fitness status.
- The body condition requirement will not help the Director-General to make a decision. This matter should be left to the MAF officers supervising the preparation and shipment of the animals.
- When an animal is selected for export, it should be in good condition with no physical injuries or obvious symptoms of illness, free of lameness and of a frame size that is consistent with its age.
- The guidelines should seek details on how the animals will be transported within New Zealand prior to being exported, as the effects on the animals will be cumulative.
- MAF should not require information how animals are selected for export, unless the importing country requires this information. The current pre-export requirements and inspections are sufficient and animals are often bred for purpose or contracted years in advance to ensure they are fit for the journey.
- Why do the guidelines not refer to the immunisation status of the animals?
- Rather than having to specify where the animals have come from, it may be better to have exporters specify their criteria for rejecting animals for shipment. This would occur as the animals are loaded onto the ship, and could be overseen by officials. Such criteria could include body condition scores.
- Stock need to be prepared well for the voyage or flight and be within species, age, class, breed, body weight, and body condition score parameters to suit the ship's loading plan.
- Lower-conditioned sheep should be put on accessible decks like the Main Deck, to ensure they are closely observed and get the easiest ride.

MAF response

The revised guidelines request the applicant to explain how they selected the animals to be exported, and where the animals were sourced from. This will help MAF to assess the condition of the animals when they are isolated prior to export. For example, animals sourced from a region affected by prolonged drought may not be as robust as animals from other regions. The geographic sourcing of the animals also indicates what general climatic

conditions they are accustomed to. Some animals may need conditioning prior to export to prepare them for the temperatures they will encounter during their journey.

Before signing the final AWEC, the NZFSA VA Port Veterinarian must be satisfied that the animals are fit and healthy for the intended journey. This includes an evaluation of:

- the animals' body condition score;
- the ability of the animals to bear weight on all four limbs; and
- whether there were any signs of disease or injury.

The Port Veterinarian may also assess that the animals have satisfied other criteria in order to meet the Overseas Market Access Requirements. Buyers sometimes specify particular criteria, which can vary widely according to the species and age of animal concerned. MAF considers that the buyers' criteria are a commercial matter between the exporter and the importer.

Exporters and transport operators should aim to transport animals in accordance with best practice. The '*Code of Recommendations and Minimum Standards for the Welfare of Animals Transported within New Zealand*', although slightly outdated, does provide guidance for the transport of animals within New Zealand. The National Animal Welfare Advisory Committee (NAWAC) is developing a new code of welfare for the transport of animals in New Zealand. In most cases, animals that are transported in accordance with the current code of recommendations should be in a reasonable condition to undertake a voyage.

Section 2 of Part B of the guidelines now seeks a description of the animals' immunisation status for diseases not required as part of the export conditions, but which could be of concern as a consequence of long distance transport.

MAF agrees that loading decisions should be made in conjunction with the exporter, the shipping company, the NZFSA VA Port Veterinarian and any advisers that the exporter deems appropriate. The loading plan should ensure that the livestock are distributed on the ship in a manner appropriate for their species, age, breed, body weight, body condition score, and the need to address any welfare concerns on the voyage.

Section three: the type of transport proposed and the facilities provided – submitter comments

Thirteen submitters commented on the type of transport proposed and the facilities provided. These comments included:

- Applicants should have to provide an animal husbandry management plan that would help ensure that animals are monitored during the journey and are regularly rotated around confinement areas, stalls are kept clean, etc.
- The guidelines should include a requirement to provide excreta management plans.
- The Director-General is obliged by the Animal Welfare Act to do more than maybe or maybe not ask for a description of the risks to exposure.

A number of submitters commented about requirements to provide information about the ships, including that:

- These requirements mean that different exporters using the same vessels will unnecessarily be required to provide MAF with duplicate information.
- All of the required information relating to the different ships should be collated and recorded into a dossier of information. The Live Export and Animal Germplasm Trade Advisory Council, in consultation with Livecorp Australia, could engage with those chartering ships to provide the relevant information.
- The MAF Sea Transport Standard contains a considerable amount of this information.
- Exporters are responsible for managing the animals' nutrition and medicine on board the ship. They should therefore be able to provide the information requested in the guidelines.
- The live export shipping industry is small. There are only a few specialist operators with significant commercial incentives to ensure the animals being transported are cared for. MAF should therefore rely on the international shipping compliance regulations and the reputation and track record of the shipping company.

Other comments included:

- The history of any ship breakdowns should be required in the guideline.
- The guidelines should require applicants to provide documentation on the contingency measures and potential ship management options they will implement in the event of extreme environmental conditions.
- Merely requiring a description of the environmental risks is not acceptable. The guidelines should require a guarantee that animals will never encounter temperatures above 30°C or below 10°C. Applicants should be required to describe how they will achieve this.
- “Description of the risks of exposure... and risk mitigation measures” may be interpreted to mean that mitigation measures such as ventilation are only needed in exceptional circumstances. This bullet point should read “*a description of (i) the ventilation and other environmental control systems, (ii) risks of exposure to extreme conditions (e.g. temp & humidity), (iii) an assessment of the ability of the environmental systems to cope with such extreme conditions and (iv) other risk mitigation measures*”.
- The guidelines should specify which contaminants have to be excluded from fodder.
- Water should be potable and exporters should be required to prove animals will not need to drink seawater.
- The NZFSA VA and Maritime New Zealand inspect the vessel before loading begins and after once loading is completed. The inspections cover many of the suggested requests for information that may be required by the Director General.

Section three: the type of transport proposed and the facilities provided – MAF response

The MAF sea transport standards contain requirements for animal welfare management during the voyage. The “In-Principle” AWEC will specify that the exporter must demonstrate the ability to comply with these requirements, prior to the final AWEC being issued by the Port Veterinarian. Requirements may focus on feeding, watering, excreta management and stocking density, for instance.

MAF must make a preliminary assessment as to whether the animals could be susceptible to harm and distress on the proposed transport. MAF will accept reports from maritime safety authorities or a ship's engineering staff to help make this assessment. Depending on these reports, the applicant may be required to provide more information about the ship proposed to be used.

MAF considers that there is merit in developing a ships' database that contains much or all of the ship information required for AWEC applications. Such a database could assist exporters and MAF. This initiative should be investigated separately to the development of the AWEC guidelines. The history of breakdowns of the vessel is addressed by clause 3 (a) in Part B of the guidelines.

Part A of the revised guidelines now addresses environmental control and other contingency plans for emergencies. The meaning of "contaminated" fodder has also been clarified (refer Part B clause 3). Fodder should be free of any foreign material or toxic plant material that could have a deleterious effect on the livestock.

The guidelines use the same definition of water that is used in the NAWAC codes of welfare for various livestock species. This is not the same definition as 'potable water' that must meet human health requirements.

Section four: the length and nature of the proposed journey – submitter comments

Eight submitters commented on the length and nature of the proposed journey. These comments included that:

- The maximum length of journeys should be 28 days, provided that the post-arrival journey is short and/or a period of rest is provided.
- The length of the voyage is not as important as the environmental conditions which are faced during the voyage. The particular ship's speed, design, carrying capacity for a particular species and the experience of the ship's Master, Chief Officer and Chief Stockman with live animals is more important than voyage length.
- It is only important to consider the ships capacity to store food and water when considering voyage length.
- The guidelines in clause 4 (a) of the guidelines should include "*estimated time from arrival at the Pilot in country of destination to the start of unloading and the completion of unloading*". The official voyage length of a ship is measured from Pilot to Pilot, not from the start of loading in New Zealand to the last sheep unloaded in the country of destination.
- The guidelines should require information on arrangements for any unplanned or emergency off-loading of the animals during transit.
- The guidelines should require an assessment of any risk of disease transmission to or from the shipment during stopovers.
- The guidelines should ensure feed acquired at stopovers contains ingredients appropriate to the New Zealand breeds of animal being exported, such as salt content etc.
- The guidelines should require information on standing of stock prior to loading.
- The guidelines should require information on plans for unloading at the port of arrival. It is important that animals are unloaded quickly once they arrive, as static ventilation (when there is no air flow over the stock) is far more problematic than when the ship is moving.

Section four: the length and nature of the proposed journey – MAF response

The length of the proposed journey is one of many factors which could impact the animals' welfare. The Director General is required to assess each application on a case by case basis, taking into account all factors. Because of this, the guidelines do not stipulate a maximum journey length.

Clause 5 (a) of Part B of the revised guidelines requires information on the estimated time from arrival in the country of destination to the start of unloading and the completion of unloading. This clause also requires information on arrangements for any unplanned or emergency off-loading of the animals during transit.

The risk of disease transmission during shipment and stopovers is a zoosanitary condition that will be specified by the importing country in the zoosanitary import permit. The importing country may specify risk management measures such as restrictions on transport routes. If these measures are not specified, but the exporter has reason to suspect issues may arise that could affect the eligibility and clearance of the consignment, a risk assessment should be conducted and mitigation steps built into the consignment plan.

Clause 4 (b) in Part B of the revised guidelines requests information on the suitability of any additional fodder taken on board at stopovers for the species and type of animal being transported.

The NZFSA VA Port Veterinarians assess the condition of the animals prior to loading, including how long the stock have been standing for. Exporters should plan to ensure pre-standing and loading is done in an expeditious manner consistent with best practice.

Section 5 in Part B of the revised guidelines ask the applicant to describe their plans to ensure that inspection and unloading of the livestock at the port of destination will be conducted in an expeditious manner.

Section five: the susceptibility of the animals to harm and distress under the conditions of transport proposed – submitter comments

Six submitters commented on the susceptibility of the animals to harm and distress under the conditions of transport proposed. These comments included that:

- The guidelines in clause 5 (a) should include a requirement to appraise the proposed export vessel and its containment area for its suitability for the voyage.
- The guidelines in clause 5 (a) should require exporters to give assurances that all animals will be easily accessed for inspection. Exporters should be required to provide details of the proposed inspection frequency and supply a monitoring check list that covers all the day to day and weekly checks of the animals.
- It is probably not possible to meet the guidelines in clause 5 (a) as the noise in a storm is fairly extreme.
- Where ships are not designed to transport a proposed class of animals, there is a risk that temporary measures used to adapt the containment areas on ships may not be fit for purpose. For example, lambs and sheep may push their heads through netting and lose their ear tags. Visual barriers are very useful to separate stock.

Other comments included that:

- Live animal exports usually take place on the basis of a “cost insurance freight” contract. This means that the exporter’s power ceases at the time animals are discharged.
- MAF and the Ministry of Foreign Affairs and Trade (MFAT) are the authorities that can negotiate assurances about unloading conditions on New Zealand’s behalf with importing country officials. The importer has some responsibility in this area, but only limited powers.
- MAF needs to make the details of Government to Government agreements available to exporters and their importers.
- Diet fed in the pre-export conditioning period and on the ship should meet agreed standards. MAF should only require advice justifying the change from an expert nutritionist if a variation is proposed.
- The matters raised in clause 5 (a) of the guidelines are clearly either Occupational Safety and Health or the Maritime Safety Authority’s responsibilities, and are not an animal welfare concern, especially since there is no reference to this in the OIE’s recommendations.
- In the event of an emergency that may affect both animals and humans, animals’ needs are secondary. It is only realistic to address animals’ needs where they are solely susceptible to a risk.
- The communication and record keeping issues need to be separated into those that are the responsibility of the ship’s Master or the aircraft’s Captain, from those that are the responsibility of the ship’s veterinarian.
- Bedding material may only be justified in hospital pens.
- Bedding and/or other measures should be used at all times as bedding is needed for most animals in most conditions.

Section five: the susceptibility of the animals to harm and distress under the conditions of transport proposed – MAF response

Clause 5 (d) in Part A of the revised guidelines requires the applicant to describe details of the onboard monitoring programme, including frequency of inspection. The NZFSA VA Port Veterinarian will verify that the animals have been loaded in a manner that enables easy inspection.

MAF accepts that a “baseline level” of noise and vibration are a part of sea voyages. However, regular monitoring for excessive levels of noise and vibration should occur as part of the stock monitoring programme. Abnormal noise or vibration levels should be investigated by the ship’s engineering staff and resolved as soon as possible.

Under the Animal Welfare Act, the person in charge of the animals, i.e. the ship’s captain, captain of the aircraft, or the exporter, must ensure that the physical, health and behavioural needs of the animals are met until they are unloaded. Article 7.2.11 of the OIE *Terrestrial Animal Health Code* provides for “actions in the event of a refusal to allow the importation of a shipment”. If a shipment is refused at its destination, the animals must be provided with food, water and ventilation until they are unloaded elsewhere.

Agreements between governments usually become part of the Overseas Market Access Requirements, which are available to exporters. MAF will make the details of any relevant

government to government agreements, concerning inspection, unloading and post arrival handling, available to exporters and their importers.

When a proposed voyage is beyond the usual length of 14-21 days, an expert nutritionist should review the proposed pre-export and shipboard diets. This will ensure that feed will be appropriate for the species and type of animal being transported over the entire length of the proposed journey. MAF notes a submitter's request to convene a group comprising nutritional expertise and industry knowledge that could recommend feed regimes for voyages of varying lengths. MAF considers that the Livestock and Animal Germplasm Trade Advisory Council could achieve this.

An emergency event may threaten the safety of both humans and animals. If human safety can be assured, the safety of the animals can then be attended to. Contingency plans should consider the actions to be taken during all possible emergency events. The plans should document the responsibilities of all parties, including communications and record keeping. These plans should be developed before the livestock are loaded.

The reporting requirements of the exporter and the ship's master are specified in the relevant MAF standards and in section 4 of the Maritime Rules Part 24C: Carriage of Cargoes - Specific Cargoes (Maritime New Zealand).

Section 5 in Part B of the revised guidelines no longer refers to bedding. The applicant is now requested to describe how the animals' welfare will be protected in the event of prolonged adverse weather or sea conditions.

MAF's regulatory role – submitter comments

Eight submitters commented on MAF's regulatory role. Comments included that:

- The New Zealand government allows MAF to exercise total control of the live animal export trade through animal welfare legislation and policies of obfuscation and opposition to the trade.
- MAF's role should solely be to facilitate a lawful and safe movement of animals.
- MAF and MFAT need to clearly identify and address political concerns about animal welfare outcomes and market access constraints.
- MAF justifies withholding support from exporters on a fallacious argument that a live animal export failure could risk other aspects of New Zealand trade.
- If an exporter is operating at best international practice standards, and is in compliance with MAF standards and other health protocol requirements, then the Director-General should not discourage them from trading and developing new markets. The Director-General should not use the AWEC decision-making process and animal welfare legislation as a tool to prevent exports from taking place. A decision not to allow exports to take place has a significant financial impact on exporters.

Three submitters commented about the MAF officials involved with live animal exports:

- Due to restructuring, MAF does not employ anyone who understands all the regulatory aspects associated with live animal export. This creates frequent problems.
- MAF officials need to be suitably qualified, and have the range of experience required for high quality decision-making to best manage risk (for example, farming, veterinary or quality assurance experience). MAF needs to sort out succession problems in this regard.

- Senior MAF staff need to better understand exporters' business, support good export operations, and provide better factual rebuttal rather than bowing to pressure groups or countries.

Other submitters commented that:

- MAF needs to be less confrontational and engage with exporters to resolve each party's issues. This will ensure unscrupulous operators and draconian regulations do not blight the industry's future.
- MAF has legislative responsibility for the wellbeing of animals exploited against their will for money. This responsibility goes beyond protecting exporters' profits.
- Commercial confidentiality must be maintained throughout the AWEC process.
- Exporters can, and have, achieved high animal welfare standards without the degree of prescriptive regulatory oversight proposed in the guidelines.

MAF's regulatory role – MAF response

The Director-General's primary consideration, in the assessment of an application for an AWEC, is ensuring that the risks faced by animals which are being exported from New Zealand by ship or aircraft are minimised. MAF is also committed to facilitating international trade and managing any risks to New Zealand's wider reputation as a responsible exporter.

Any applicant who has satisfied the Director-General that the animal welfare risks associated with a proposed journey will be adequately managed will be granted an "In-Principle" AWEC. The final AWEC will be issued if the conditions stated on the "In-Principle" AWEC have been met. Accordingly, as long as the exporter meets all requirements in their "In Principle" AWEC, the process presents little financial risk to exporters, while effectively managing animal welfare concerns.

MAF has a role in administering both the Animal Products Act and the Animal Welfare Act. MAF's Animal Imports and Exports Group and the Animal Welfare Directorate advise the Director-General on animal export matters, under the two Acts. Both teams have qualified staff with the appropriate training and skills to advise the Director-General. These teams work together on issues related to the export of live animals to ensure that MAF makes consistent decisions. MAF also works closely with NZFSA VA and Recognised Agencies in developing export standards.

The proposed guidelines are intended to clarify what information is required from applicant exporters. MAF will take a robust, consistent and transparent approach to the assessment of AWEC applications.

MAF fully supports exporters that can demonstrate that they have strategies and plans in place to manage animal welfare risks at all stages of the export process.

All stakeholders are encouraged to make their views known. MAF respects the different contributions that each party brings to the animal welfare arena. MAF has revised the draft guidelines after carefully considering comments provided by all parties.

MAF is a member of the Livestock and Animal Germplasm Trade Advisory Council (LAGTAC). LAGTAC is a consultative forum between the livestock and animal germplasm

import and export industry and Government. MAF recognises the technical expertise that the members of the Council possess, and values constructive engagement with the Council. MAF supports stakeholders taking active responsibility for managing the risks they create. There have been several issues identified through the submissions on the AWEC guidelines (e.g. development of a ship's database, technical input on standards and codes, recommended feed regimes etc) which MAF regards as having potential for future LAGTAC agenda items. LAGTAC however, represents one sector of a wide range of animal welfare stakeholders, and MAF must consider the technically valid views of all stakeholders when setting standards and guidelines.

Some aspects of an AWEC application may contain commercially sensitive information. All information held by MAF is subject to the Official Information Act 1982. Where commercially sensitive information is requested, MAF will consult with the applicant about whether or not to release that information. However, the final decision to release the information remains with MAF.

Governance issues – submitter comments

Comments received on governance issues included:

- AWECs should be issued once an exporter proves they have met the requirements and conditions in the relevant MAF standards, rather than meeting the requirements in the guidelines.
- Two exporters use the current MAF standards as the minimum guidelines for onboard management procedures and exporters. These standards take into account advances in technology and lessons learnt from experience.
- Some parts of the guidelines relate to areas covered by other regulatory agencies, or existing MAF standards or codes.
- MAF lacks a practical understanding of the trade in terms of the roles of Maritime New Zealand, MAF Port Quarantine Service, the New Zealand Food Safety Authority's role in vessel inspections and fodder analysis, and Assure Quality's role in assessing animal condition and fitness to travel.

Comments on relevant documents included:

- The OIE *Guidelines for the transport of animals by sea and by air* and International Air Transport Association (IATA) *Live Animals Regulations* for air freight are written for a perfect world that no reasonable person could be expected to comply with every time.
- The OIE and IATA guidelines should be implemented into a New Zealand code for long distance transportation.
- The National Animal Welfare Advisory Committee's (NAWAC) development of a Code of Welfare for the long distance transport of animals by sea and air is the appropriate forum to discuss changes to the AWEC system.
- NAWAC does not need to develop such a code as the contents of the guidelines could be incorporated in the existing MAF standards, with the exception of the section relating to the capability, skills, and experience of the applicant.
- Why are the guidelines being developed, given NAWAC is developing a code for long distance transportation which will be publicly consulted? Are the guidelines a response to Russian export applications?

Other comments included:

- The maritime law governing the live animal transport vessels in New Zealand and Australia should be reviewed. The focus should be on the relevant Australian Marine Orders and relevant parts of the Maritime Transport Act 1994. This would identify anomalies in the relevant maritime law. The New Zealand law relies partly on the Australian Marine Orders so if there are anomalies in the law, it would be better to resolve them before the MAF Guidelines are legally tested.
- How will the guidelines and AWEC system affect the export of live animals to Saudi Arabia, given the financial commitments made by MAF, MFAT, the Saudi Arabian Government and exporters?
- Inexperienced exporters caused most of the problems in the industry over the past ten years. However, no regulatory action was taken against the offending companies.
- The AWEC is now the first requirement in the export process. It should be the final document signed by MAF accredited personnel at a ship's departure. This would be once all the requirements under the relevant MAF standards have been complied with, and following a check by MAF Port Veterinarian and the Maritime New Zealand Marine Surveyor.

Governance issues – MAF response

The Animal Welfare Act prohibits the exportation of live animals from New Zealand unless the exportation is done in accordance with an AWEC. The Act also gives the Director-General the power to impose conditions. These conditions can take into account, as relevant, any international or domestic standards and requirements, which are considered critical to a successful animal welfare outcome.

Exporters should not rely solely on the MAF standards when planning and conducting an export of live animals. The International Air Transport Association annually updates its Live Animals Regulations, the Animal Transport Association produces the AATA Manual for the Transport of Live Animals (2nd ed), and the OIE has produced a Terrestrial Animal Health Code containing recommendations for the welfare of animals during land, sea and air transport. In addition, interested parties may also refer to the Australian Livestock Export Standards, the Australia Maritime Safety Authority Marine Orders and the European Convention for the Protection of Animals. There is also a growing body of international scientific literature examining animal welfare in long distance transport.

The AWEC guidelines do not provide detailed information or guidance material on animal welfare risk management, as this is not their purpose. However, the guidelines do show the type and level of information that the Director-General may request to assess the animal welfare risks of a proposed export.

The National Animal Welfare Advisory Committee's current workload and priorities mean that a comprehensive Code of Welfare for the long distance transport of animals will not be deliverable within the next few years. There is also a growing awareness of the live animal trade issues among domestic and international stakeholders. In view of this, MAF is developing the AWEC guidelines as an interim measure, until the Code of Welfare is developed, to ensure AWEC applications are assessed using a transparent, robust, and consistent approach.

New Zealand, as a member of the OIE, is expected to observe the OIE's Terrestrial Animal Health Code recommendations in the development of its domestic policies and procedures, including transport guidelines or standards. The AWEC guidelines were developed with specific reference to the OIE's guidelines. The MAF sea transport standards, which were developed prior to the OIE guidelines, are more prescriptive than the guidelines, but are still consistent with the principles outlined by the OIE in their guidelines.

A number of agencies have different roles in the live animal export trade. MAF appreciates that there may be some overlap in the information requested from exporters by the different agencies. MAF is willing to consider any information provided by exporters in response to the guidelines. However, other agencies may assess information provided under different statutory criteria with different policy objectives. If MAF is unable to assess the risk to the animals' welfare with the information provided by an exporter, it is likely that MAF will request additional information.

There may be some discrepancies in the maritime law governing live animal transport vessels between New Zealand and Australia. MAF would support a review of the maritime law in the two jurisdictions. However, a review focusing on the relevant Australian Marine Orders and relevant parts of the Maritime Transport Act is outside MAF's legal mandate. However, MAF could provide scientific and technical support for any agency willing to carry out such a review.

Just as with any other destination, parties wishing to export live animals to Saudi Arabia must satisfy the Director-General that all animal welfare requirements will be met before an AWEC will be granted.

MAF notes concerns raised about inexperienced exporters breaching animal welfare requirements. Consequently, applicants must describe their capability, skills, and experience in relation to live animal exports. MAF takes all allegations of reported animal welfare incidents seriously. MAF will assess the concerns raised and if appropriate investigate and, depending on the result of any investigation, take further action.

Previous process for obtaining an AWEC

Prior to the introduction of the Customs Export Prohibition (Livestock for Slaughter) Order 2007, the proposed shipment would be assessed at the port of departure by a NZFSA VA Veterinarian. If the applicant complied with the relevant MAF sea standard, or IATA Live Animals Regulations (for air freight), an AWEC would be granted. Since the 2007 Order, AWEC applicants applying to export livestock (cattle, sheep, deer, or goats) have been required to send MAF a completed 'Declaration of Purpose for Export'. This is a legal declaration of the intended purpose of the shipment as to whether it is for breeding, slaughter, or otherwise.

After receiving a 'Declaration of Purpose for Export', MAF would seek some preliminary information about the proposed journey to assess whether an "In Principle" AWEC could be issued. The preliminary information consisted of about eight questions concerning the age, gender, and pregnancy status of the animals, whether pre-conditioning to the shipboard diet would be employed during pre-export isolation, length of the voyage, etc.

If satisfied that the animal welfare risks would be well managed, MAF would issue, generally within five working days of the receipt of this information, an “In-Principle” AWEC. This document listed the conditions the port veterinarian would need to verify before the final AWEC could be issued. At times MAF would seek additional information from the applicant before it could reach a decision.

Proposed process for obtaining an AWEC

The AWEC guidelines formalise the above process. The Director-General may decide to issue an “In-Principle” AWEC based on information obtained under Part A of the guidelines. Alternatively, he or she may request further information under Part B in order to reach a decision. If an application is declined, the Director-General will write to the applicant to explain why. Under the Animal Welfare Act, the applicant has the right to seek a Ministerial review of the Director-General’s decision.

The NZFSA VA Port Veterinarian will verify that the conditions listed in the “In-Principle” AWEC have been met (e.g. fitness for travel, compliance with the relevant standard(s), and fulfilment of all import health requirements of the country of destination).

Implications of the guidelines for the trade – submitter comments

Nine submitters commented on the implications of the guidelines on the live animal export trade. Comments included:

- MAF needs to understand the commitment process made in advance of an AWEC.
- The process to negotiate a contract for sale is complex, with contracts being concluded a year in advance.
- Some exports require years of advance planning and thousands of dollars of investment prior to an AWEC being issued.
- The process involves signing contracts, the buyer paying a deposit, the exporter making a performance guarantee, cattle purchasing, the exporter paying non-refundable deposit to charter a ship, fodder being manufactured and the cattle being mated to fit with MAF standards and cartage.

Other comments included:

- MAF’s decision-making timeframes create serious, unacceptable and unnecessary uncertainty and commercial risk for industry. Delayed decision-making puts consignments at risk.
- The uncertainty as to whether the Director-General will grant an in principle AWEC is a major source of concern.
- One exporter lost an estimated \$300,000 - \$500,000 when an AWEC was not granted. The system needs to be changed to ensure this cannot happen again.
- MAF needs to promptly and professionally process and respond to applications.
- How long before an export date should an AWEC applicant apply? How long it will take MAF to advise exporters that more information is needed or that an AWEC has been declined?
- What are the penalty/s that will be imposed if exporters proceed with their commitments without an AWEC?
- Exporters need assurances that MAF will not apply late subjective decisions to block exports.

- The guidelines go beyond what is required for prudent management of the trade and in effect represent a barrier to trade.
- The guidelines do not facilitate trade as they create compliance costs and duplicate reporting requirements.
- The guidelines will add an unnecessary layer of bureaucracy.
- Live animal exports make a substantial contribution to the Australian economy and assistance is given by the Australian Government. New Zealand exporters make all their opportunities without the Government's assistance, therefore Government hindrance should not be an obstacle.

Implications of the guidelines for the trade – MAF response

The AWEC guidelines are intended to improve the application process for both exporters and MAF. The intention of Part A of the guidelines, which all AWEC applicants must complete, is to provide clear expectations about what information the Director-General initially requires.

More complex applications, such as proposed sea voyages greater than 21 days or air freight requiring one or more stopovers, will usually prompt a request from the Director-General for further information from relevant sections of Part B of the guidelines. However, it is not possible to give a comprehensive list of situations that will or will not require additional information under Part B.

Each proposal presents different potential animal welfare risks. It is strongly recommended that exporters contact MAF early in the planning process, to discuss their proposed voyage and prospective application. Exporters should refrain from making any substantial contractual commitments before discussing their application with MAF. Exporters may be exposed to commercial risk when making contractual commitments before their AWEC application is granted.

MAF aims to respond to applications for routine exports within five working days of receiving the application. If a decision cannot be reached within five working days, MAF will provide regular updates until a decision is reached.

Experienced exporters with good animal welfare track records, who are proposing relatively routine voyages, should have little difficulty compiling the relevant information during their initial AWEC application. An experienced exporter should have engaged experienced and professional contractors, have animals that are well prepared for export, and have contingency plans to manage any potential risks to the animals' welfare during export.

There may be compliance costs for an exporter when he or she is preparing an AWEC application for the first time. However, once exporters have compiled this information, they should be able to complete future applications relatively quickly without significant additional cost.

The New Zealand Government must uphold the Animal Welfare Act. The purpose of an AWEC is to protect the welfare of animals being exported from New Zealand by ship or aircraft, and to ensure that any risks faced by the animals are minimised.

Experience of live animal exporters – submitter comments

Seven submitters commented on the experience of live animal exporters. These comments included that:

- The New Zealand live animal export industry has developed over more than 40 years into a highly professional and internationally respected niche trade.
- Every export is a huge strategic exercise that is planned and controlled as much as possible, however exporters are still learning and are only as good as their last export.
- Exporters' records demonstrate commitment to good animal welfare outcomes and responsible management of the shipping process.
- The trade is largely conducted by linking international marketing, livestock procurement, farming, pre export conditioning and transport specialists together.
- Appropriate risk mitigation planning, cattle selection, export preparation and shipboard management allows cattle to be safely transported long distances by sea without compromising animal welfare at any stage of the export process.
- Rather than basing the guidelines on previous international incidents, MAF needs to look at the records of live exporters within the New Zealand industry.
- Exporters that are inexperienced with basic animal nutrition and husbandry cause poor animal welfare outcomes.
- Exporters with proven positive exporting records should be accredited. An accredited exporter could retain their accredited status, provided their operations meet minimum MAF standards, have no adverse shipping results or outcomes, and they submit a full voyage report. Any variances to an agreed industry standard could be referred to a proposed working group for consideration.

Experience of live animal exporters – MAF response

MAF acknowledges that some exporters are experienced in animal welfare risk management and have planned and orchestrated many successful voyages without major animal welfare complications. MAF anticipates that an experienced exporter will find it easier than an inexperienced one to provide the information required in the AWEC application. MAF also maintains its own records about previous voyages, based on the voyage reports, and will integrate this information while assessing an applicant's experience.

The proposed exporter accreditation scheme does not align with the requirements of the Animal Welfare Act. It will not be considered as part of the development of the AWEC guidelines.

New Zealand's international reputation – submitter comments

Ten submitters commented on New Zealand's international reputation. Comments included that:

- New Zealand has a good reputation as a responsible exporter of live animals.
- A live export animal welfare failure could damage New Zealand's international reputation.
- An animal welfare failure in any farming sector (not just live exports) may damage New Zealand's reputation.

- The world is much more aware of good animal practices and New Zealand is not known for diligence and concern for its farm animals and has a slipshod international reputation in this respect.
- Conditions imposed on exporters must: (a) reflect sound science; and (b) facilitate an appropriate level of contingency planning to ensure the risks of negative occurrences are managed.
- The Cormo Express incident and the 2001 Korean incident occurred with Australian shipments. There is no evidence that any aspect of Australian trade has been affected by those events.
- Some major incidents are out of MAF's or exporters' control.
- Overseas markets would not boycott New Zealand products in the event of an animal welfare failure during a live export. This would be incompatible with World Trade Organisation agreements. Only a segment of consumers in certain markets may react adversely and not purchase products that are of New Zealand origin.

New Zealand's international reputation – MAF response

MAF is committed to facilitating international trade while at the same time managing risks to New Zealand's international reputation as a responsible exporter. We acknowledge that neither exporters nor MAF can stop every incident from occurring. However, these guidelines have been developed to help ensure that risks are mitigated and that exporters have adequate contingency plans in place for any incident that may occur.

Any negative reaction in overseas markets has the potential to impact on New Zealand's reputation as a responsible exporter. This could have serious implications on wider agricultural product exports.

Out of scope comments

The submissions raised a large number of concerns which, while outside the scope of this consultation, are mentioned briefly below.

General issues

Ten submitters made general comments, including:

- Exporters consider that animal welfare is important, especially given dairy cows are valuable and revenue is dependent on healthy, live animals arriving at the destination. Any losses are a direct cost to the exporter.
- Section 43 (1) of the Animal Welfare Act creates uncertainty as it provides that the Director-General must have regard to any other matters that he or she considers relevant to the welfare of the animals.
- The New Zealand dairy industry's practices result in poor animal welfare outcomes, especially in winter. Visiting dairy farmers from nations that feed-lot cows are appalled at cow condition and score in New Zealand during winter. These visitors consider New Zealand to over stock and under feed animals and have labelled it a "production based on starvation" system.
- Will the guidelines cover the transport of animals between mainland New Zealand and the Chatham Islands? The economics are very different for these voyages.

- Industry could fund research into conditions and standards in destination countries.
- The relevant MAF transport standards need to be reviewed and updated regularly to ensure they reflect best international practice. Changes should be made after robust and objective debate by people with extensive experience in the industry.
- Exporters need to be included in reviews and updates of MAF standards and codes.
- The Livestock and Animal Germplasm Trade Advisory Council members are experienced in livestock exports. It could update the existing MAF standards and codes to ensure suitably qualified exporters have good animal welfare outcomes.
- The structure and format of the industry needs to be reviewed by a stakeholder group to ensure the industry can move forward over the next 5 years.
- The Animal Products Act has led to loopholes, misunderstandings, a lack of accountability and responsibility by creating third party contracted personnel to undertake the MAF role.
- MAF has shown a deep-seated lack of trust in live animal export organisations during the past three to five years.

Position on the trade

Fifteen submitters commented on the live animal export trade. Many submitters stated their position as strongly for or against the trade. Some statements were made about the tangible and intangible benefits arising from live animal exporting for New Zealand, and for other nations.

Detrimental effects of long distance transport

Five submitters commented on the detrimental effects suffered by animals from the live animal export process and transport over long distances. Comments included that:

- The live export process can last between one and two months and involves animals being handled at least five or six times.
- MAF should ban live animal exports instead of giving exporters a heads-up on issues that may be a barrier to exporting.
- Animals become stressed by the transition from the natural day length to artificial continuous low intensity lighting.
- The transition from the natural day length to artificial continuous low intensity lighting is stressful.
- There is anecdotal evidence of stress caused by high seas as well as evidence of motion sickness.
- Studies show that loading and unloading are the most stressful part of transport.
- The high temperature load generated by the livestock and the ship's engines, combined with a high ambient temperature, makes stress a common problem on export vessels.
- Animals encounter strange materials, smells, sights, sounds and vibrations, unfamiliar handling and other animals, changes in temperature, restricted in space, feed and water. They can suffer from disease, stress, hunger, thirst, discomfort, pain, frustration, fear, distress, injury and in some cases, death.
- Live export is demonstrably stressful and dangerous for animals.
- Transport operators are the only people who monitor the stock during road and some ocean transport. Animals are prodded and bullied as they leave the ship, with some

animals having broken limbs and being in shocking condition whilst other animals are heavily pregnant and clearly distressed.

- Long distance animal transport management practices reduce any stress faced by animals.
- When comparing the shipboard environment with the farm environment, many of the welfare concerns are faced in the animals' everyday life.
- In terms of exercise, there is no difference from on-farm mustering and/or transport from a farm to a destination such as a slaughter plant, sale yards, or another farm.

Appendix 1: Revised Draft Guidelines for the Issue of Animal Welfare Export Certificates

These guidelines are published by the Director-General of the Ministry of Agriculture and Forestry (MAF), under section 41(1) of the Animal Welfare Act 1999. They outline the information required by the Director-General when he or she assesses an application for an animal welfare export certificate (AWEC).

Any person planning to export livestock (i.e. sheep, cattle, goats or deer) must apply to the Director-General for the issue of an AWEC, under section 42 of the Animal Welfare Act. These guidelines have been drafted in accordance with the criteria listed in Section 43 of the Act (see Appendix One for these sections in full).

All AWEC applicants must complete Part A of the guidelines.

The Director-General may request additional information from an applicant, in order to be satisfied that all necessary steps will be taken to protect the animals' welfare. This additional information is covered in Part B of the guidelines. **Sea voyages greater than 21 days or air freight requiring one or more stopovers will usually prompt a request for further information.** In some cases, the Director-General may seek information that is not identified in Part B of these guidelines.

An AWEC application must:

- be made on the application form (on MAF's website), at least 20 working days before the date on which the applicant proposes that the animal/s leave New Zealand;
- be accompanied by the required information (all of Part A and requested sections of Part B); and
- include a signed *Declaration of Purpose for Export of Live Animals from New Zealand*;

Exporters should contact MAF early in the export planning process to discuss their proposed voyage and prospective application. Exporters may seek, at this pre-application stage, an indication of any concerns the Director-General could have about the proposed voyage, and ascertain what information the Director-General may require as part of the application process. The Director-General will assess a formal application on its merits, on a case by case basis, taking into account the relevant factors under the Animal Welfare Act.

MAF aims to respond to applications for routine exports within five working days from when the application is received. The Director-General will make a decision within the 20 working days set out in the Act. For more complex voyages, MAF will provide regular progress updates on the evaluation of the application until a decision is reached. If the Director-General grants an application, the applicant will be provided with an "In-Principle" AWEC. This will specify, in writing, conditions that must be met before the New Zealand Food Safety Authority Verification Agency Port Veterinarian issues the final AWEC on the day of export.

The Director-General will, as a minimum, impose conditions requiring:

- that the livestock are fit and healthy for the journey; and

- that the applicant submit a voyage report to the MAF Animal Welfare Directorate within 10 working days of completing the journey.
- that the ship or aircraft and other relevant aspects of the export comply, as appropriate, with the MAF sea transport standard(s) or the IATA Live Animals Regulations; and

See Appendix Two for a list of relevant documents relating to the transport of livestock.

Part A: Information required as part of the AWEC application

All applications must include the following information. Applicants may, at their discretion, provide relevant additional information from Part B of the guidelines in their initial application.

1) Capability, skills, and experience of the applicant in relation to live animal exports

Provide a brief description of your experience with live animal exports. This should include a short summary of the previous five export voyages undertaken. Each previous livestock export described should state the date(s) of export, the port(s) exported to, the name(s) of the ship(s) used, the species exported, the health and injury problems, and the mortality rates.

2) The species, number, ages, pregnancy, and fitness status of animals

Describe the following details concerning the animals in the proposed export:

- (a) species, number, and sex of animals;
- (b) approximate age of each category of animals;
- (c) average weight of each category of animals;
- (d) if pregnant, date of first mating.

3) The type of transport proposed and the facilities provided

Describe, if relevant, the following aspects of the proposed transport and facilities provided:

- (a) the ship's maritime safety authority approval(s);
- (b) the ship's fresh water storage capacity (metric tonnes);
- (c) the ship's fresh water production capacity (metric tonnes per day);
- (d) the ventilation and other environmental control systems;
- (e) the weather forecasting system and the communication equipment for contact with external parties;
- (f) the risks of exposure to extreme conditions (e.g. temperature $> 30^{\circ}\text{C}$, $< 0^{\circ}\text{C}$; humidity > 80 percent, and ammonia levels > 25 ppm);
- (g) an assessment, by a qualified person such as a ship's engineer, of the ability of the ship's environmental systems to cope with such extremes;
- (h) other measures which could be employed to mitigate extreme environmental conditions;
- (i) the method for monitoring of the ventilation system (e.g. 24 hour watch by ship personnel, electronic monitors with alarms);
- (j) what amount of surplus fodder and water (in days) will the ship be carrying;
- (k) the ship's provision to make running repairs of the propulsion and livestock support systems (ventilation, feeding, watering, and effluent/manure disposal systems), including carriage of critical spare parts.

4) The length and nature of the proposed journey

The applicant should answer the following questions:

- (a) the date on which it is intended that the animals leave New Zealand
- (b) what is the anticipated length of the journey;
- (c) what is the proposed route;
- (d) are there any stopovers during the journey;
- (e) the anticipated weather during the proposed export.

5) The susceptibility of the animals to harm and distress under the conditions of transport proposed

The applicant should answer the following questions:

- (a) What is the area per head, in square metres, being allocated (sea voyages only)?
- (b) Will the animals have undergone a pre-conditioning feeding programme to accustom them to the shipboard diet?
- (c) Will any company representative be present at the port of unloading when the shipment arrives?
- (d) Describe the number, qualifications, and experience of the stockmen and veterinarians proposed for the journey.
- (e) If there are no veterinarians accompanying the consignment, will a New Zealand veterinarian, with experience in the relevant species, be contactable during the voyage? If so, what would be the means of communication between the ship and the veterinarian?
- (f) Describe the plans which ensure that all animals will be loaded in a manner enabling easy monitoring during the voyage, and the details of the monitoring programme, including frequency of inspection.
- (g) Describe plans to monitor, and adjust, noise and vibration levels to a level specified by the relevant human occupational and health safety regulations for the vessel.

Part B: Additional information that may be requested as part of the AWEC application

The Director-General may request additional information from an applicant, in order to be satisfied that all necessary steps will be taken to protect the animals' welfare. This additional information is covered in this section of the guidelines. **Sea voyages greater than 21 days or air freight requiring one or more stopovers will usually prompt a request for further information.** Applicants should initiate contact with MAF as soon as practicable to ascertain what information the Director-General is likely to request.

1) Capability, skills, and experience of the applicant in relation to live animal exports

- a) The applicant should provide the following:
 - Date registered with the MAF Exports Group as a live animal exporter.
 - Complete record of previous livestock exports, stating date(s) of export, port(s) exported to, name(s) of ship(s) used, species exported, health and injury problems, and mortality rates.
 - The name, qualifications, and previous experience with live animal export for each third party providing advice to the applicant for the proposed export.
 - The extent and duration of the advice being provided by each third party.
 - Will veterinarians from the destination country be supervising the preparation of, or accompanying, the animals for the proposed shipment?
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- b) The number, ability, knowledge and competence of the stockmen and veterinarians proposed for the journey should be consistent with the requirements of relevant MAF sea transport standard(s) or the International Air Transport Association (IATA) *Live Animals Regulations* for air freight.

2) The species, number, ages, pregnancy, and fitness status of animals

- a) The Director-General may require the applicant to provide details of the buyers selection criteria, e.g. location(s) in New Zealand where the animals will be sourced, Body Condition Score, absence of illness and injury, fitness for travel.
- b) The Director-General may require the applicant to provide details of the immunisation status for any diseases, not mentioned as part of the export conditions, but which could be of concern as a consequence of long distance transport.

3) The type of transport proposed and the facilities provided

- a) The Director-General may require the applicant to provide documentation confirming the following, particularly for journeys greater than 21 days:
- the previous performance of the vessel proposed for the journey, including any major breakdowns that have occurred;
 - the current status of the vessel with respect to any overdue maintenance;
 - the previous route, and cargo, of the proposed ship or aircraft prior to arrival in New Zealand, and plans for cleaning and disinfection prior to loading;
 - a description of the shipboard medical care for the livestock personnel and crew;
 - the quality control measures to ensure the fodder is free of any foreign material or toxic plant material that could have a deleterious effect on the livestock;
 - an assurance that food in pellet form contains the appropriate ingredients in the correct proportions;
 - the quality control measures in place to ensure the water for the animals is of an acceptable quality, and not harmful to their health; and
 - the medication, equipment, and facilities on board for the treatment of injured or sick animals, and if necessary, their humane destruction and means of disposal.

4) The length and nature of the proposed journey

- a) Describe how the loading, transport route, and unloading has been planned to ensure the animals spend the least time possible on the journey.
- b) For journeys where one or more stops are necessary for additional supplies of fuel, water, or fodder, applicants should provide evidence that appropriate plans have been made. Where relevant, the Director-General may require the applicant to provide documentation confirming the following:
- approval, from the appropriate government authority in the importing country, for transit via the proposed third country, or countries, concerned. This would include approval for provision of food and water in the country(s) being transited should that be necessary;
 - approval, from the appropriate government authorities of the proposed stop(s), that permission for the stop(s) has been granted;
 - an undertaking from the suppliers of fuel, water, and fodder at the proposed stopover point(s) that the necessary amounts of these resources will be available when required, and the fodder contains ingredients appropriate to the New Zealand breeds of animal being exported e.g. salt content;
 - plans to ensure adequate ventilation during the stop(s);
 - contingency plans to address any shortfalls in fuel, water, and fodder; at the proposed stopover(s);
 - contingency plans to address breakdown of the ventilation system, or any running repairs to the ship or aircraft necessary to enable the journey to continue; and
 - for air freight, if the livestock are travelling without the provision of food and water, plans to ensure food and water will be provided in the event that the completion of the journey is delayed beyond 24 hours from the time of departure from New Zealand.

5) The susceptibility of the animals to harm and distress under the conditions of transport proposed

- a) The Director-General may require the applicant to provide documentation confirming the following, particularly for journeys greater than 21 days:
- for sea freight, plans for the animals to undergo a pre-conditioning feeding programme for adaptation to the ship's diet, and evidence of the expert nutritionist advice obtained for the pre-conditioning feeding programme, and the shipboard diet;
 - measures to be used to protect the animals from injury and distress in the event of exposure to prolonged adverse weather or sea conditions;
 - measures to be used to protect the animals from injury and distress in the event of an emergency (e.g. fire) during the journey. For each emergency event, plans should document the actions to be taken and the responsibilities of all parties involved, including communications and record keeping;
 - arrangements for any unplanned or emergency off-loading of the animals during transit;
 - plans to ensure that inspection and unloading of the livestock at the port of destination will be conducted in an expeditious manner, into vehicles appropriate for the weather conditions and type and size of the animals. Evidence of contingency plans if these unloading arrangements are disrupted should also be provided;
 - estimated time from arrival in country of destination to the start of unloading and the completion of unloading; and
 - plans that take account of any government to government agreement pertaining to the procedures for inspection, unloading, and dispute resolution if the importing country deems the animal(s) unacceptable. A compliance plan of this type may be required, depending upon the history of New Zealand's trade in live animals with the country concerned or previous experience of trade in the region.

Appendix 2: Relevant sections of the Animal Welfare Act 1999

Section 38 - Purpose

The purpose of this Part is to protect the welfare of animals which are being exported from New Zealand and which are being transported by ship or aircraft by ensuring that the risks faced by such animals are minimised.

Section 42 – Application for animal welfare export certificate

- (1) Any person may apply to the Director-General for the issue of an animal welfare export certificate.
- (2) The application must—
 - (a) be made on a form provided by the Director-General for the purpose; and
 - (b) contain, or be accompanied by, such information as the Director-General requires; and
 - (c) be accompanied by the prescribed fee (if any); and
 - (d) be made to the Director-General at least 20 working days before the date on which the applicant proposes that the animal leave New Zealand.
- (3) The Director-General may permit an application to be made other than in accordance with subsection (2)(d) if he or she is satisfied that unforeseen or unusual circumstances prevented the application from being made in accordance with subsection (2)(d).
- (4) Where an application made in accordance with subsection (2)(d) or subsection (3) does not comply in any material respect with subsection (2)(a) or subsection (2)(b), the Director-General may request the applicant to make good the deficiencies in the application.
- (5) If the deficiencies are made good at least 20 working days before the date on which the applicant proposes that the animal leave New Zealand, the Director-General must proceed to deal with the application.
- (6) If the deficiencies are not made good at least 20 working days before the date on which the applicant proposes that the animal leave New Zealand, the Director-General may deal with the application only if he or she is satisfied that there is sufficient time to give proper consideration to the application before that date.

Section 43 - Consideration of application

The Director-General must, in considering any application under section 42, have regard to such of the following matters as are relevant:

- (a) the manner in which the welfare of any animals previously exported by the applicant was attended to on the journey between New Zealand and the country to which they were exported:
- (b) the capability, skills, and experience of the applicant in relation to the export of animals:
- (c) the species or type of animal and the number of animals proposed to be exported:
- (d) the ages, and the physiological state, of the animals proposed to be exported:
- (e) the mode of transport proposed and the facilities provided:
- (f) the length and nature of the journey proposed:
- (g) the susceptibility of the animal to harm and distress under the conditions of transport proposed:
- (h) any New Zealand requirements in relation to the export of the animal:
- (i) any requirements of the country into which the animal is being exported:
- (j) any relevant international standard:
- (k) the date on which it is intended that the animal leave New Zealand:
- (l) any other matters that the Director-General considers relevant to the welfare of the animal.

Section 45 - Conditions

- (1) The Director-General may, in granting an application for an animal welfare export certificate, impose, as conditions of that certificate, all or any of the following conditions:
 - (a) a condition that the animal or the ship or aircraft be inspected before the animal is loaded or after the animal is loaded or both before and after the animal is loaded by a person authorised by the Director-General:
 - (b) a condition that the animal receive specified preconditioning before travel:
 - (c) a condition that a person authorised by the Director-General certify in writing that the animal is fit to travel:
 - (d) a condition that an animal health certificate be issued by a person authorised by the Director-General:
 - (e) a condition that the animal be loaded onto the ship or aircraft in a particular manner and in accordance with particular requirements:
 - (f) a condition that the animal be accompanied on the ship or aircraft by a particular named person:
 - (g) a condition that the animal be accompanied on the ship or aircraft by a person approved by the Director-General to undertake the work:
 - (h) a condition that the animal be accompanied on the ship or aircraft by a person who has certain qualifications or skills:
 - (i) a condition specifying the manner in which, and the extent to which food and water is to be provided to the animal while it is on the ship or aircraft:
 - (j) a condition that the animal be provided on the ship or aircraft with facilities specified by the Director-General:
 - (k) a condition specifying the manner in which the animal is to be managed on the journey:
 - (l) any condition specified in any relevant international standard:
 - (m) such other conditions as the Director-General considers appropriate for the welfare of the animal.
- (2) The Director-General may at any time before the departure of the animal amend or add to the conditions imposed under subsection (1).
- (3) The amendment or addition must be effected by giving written notice of the amendment or addition to the person to whom the animal welfare export certificate has been issued.
- (4) Except where the amendment or addition is necessary to meet the requirements of the country to which the animal is being exported, the Director-General may not, under subsection (2), amend the conditions or add to the conditions in such a way as to impose on the person to whom the animal welfare export certificate has been issued requirements that, at the time of the amendment or addition, that person cannot reasonably be expected to meet before the date of the departure of the animal.